



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 12, 2007

LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON, NJ 08053
US

Dear Sir/Madam,

Your refund request for 10575577 in the amount of \$100.00 has been denied.

There was no fees charged on this application for claims. All fees charged were for basic filing and search fees for National Stage applications. Please see attached ram fee sheet.


Sincerely,
RITA WHITE
PCT - National
703 308-9140 x231

2617 FILING FEE, SEARCH FEE, EXAMIATION FEE OR OATH OR DECLARATION AFTER TWENTY OR THIRTY MONTHS FROM PRIORITY DATE - REF FC 254 BEFORE 10/01/2002

2622 UNDETERMINED CLAIMS - REF FC 299 BEFORE 10/01/2002

2631 FILING OF PCT APPLICATION - USPTO ISA - NATIONAL STAGE

2632 NATIONAL STAGE SEARCH FEE - ALL OTHER SITUATIONS

2633 NATIONAL STAGE EXAMINATION FEE - ALL OTHER SITUATIONS

2640 NATIONAL STAGE SEARCH FEE - U.S. WAS ISA OR IPEA AND ALL CLAIMS SATISFY PCT ARTICLE 33(1)-(4)

2641 NATIONAL STAGE SEARCH FEE - U.S. WAS THE ISA

2642 NATIONAL STAGE SEARCH FEE - SEARCH REPORT PREPARED AND PROVIDED TO USPTO

2643 NATIONAL STAGE EXAMINATION FEE - U.S. WAS IPEA AND, ALL CLAIMS SATISFY PCT ARTICLE 33(1)-(4)

2651 FILING OF PCT APPLICATION - JPO OR EPO ISA

2652 SEARCH OF PCT APPLICATION - JPO OR EPO ISA

2653 EXAMINATION OF PCT APPLICATION - JPO OR EPO ISA

2661 FILING OF PCT APPLICATION - ISA NOT USPTO, JPO OR EPO

2662 SEARCH OF PCT APPLICATION - ISA NOT USPTO, JPO OR EPO

2663 EXAMINATION OF PCT APPLICATION - ISA NOT USPTO, JPO OR EPO

2681 PCT APPL. SIZE: > THAN 100 PAGES (FEE X NUMBER OF PAGES \geq 101 IN 50 PAGE INCREMENTS)

2801 REQUEST CONT. EXAM. (RCE) - REF FC 279 BEFORE 10/01/2002

2809 FOR FILING A SUBMISSION AFTER FINAL REJECTION -- SEE 37 CFR 1.129(A) - REF FC 246 BEFORE 10/01/2002

2814 STATUTORY DISCLAIMER - REF FC 248 BEFORE 10/01/2002

2821 REEXAMINATION INDEPENDENT CLAIMS IN EXCESS OF THREE - SMALL ENTITY \$ 100

2822 REEXAMINATION CLAIMS IN EXCESS OF TWENTY- SMALL ENTITY \$ 25

3011 FILING OF ORIGINAL PATENT APPLICATION

3012 FILING OF DESIGN APPLICATION FEE

3013 FILING OF PLANT APPLICATION

3014 FILING OF REISSUE PATENT APPLICATION

3015 FILING OF PROVISIONAL PATENT APPLICATION

3017 DESIGN PATENT FILING FEE - (CPA)

3019 REISSUE FILING FEE - (CPA)

3081 UTILITY SPECIFICATION AND DRAWING SIZE, > THAN 100 PAGES (FEE X PAGES \geq 101 IN 50 PAGE INCREMENTS)

3082 DESIGN SPECIFICATION AND DRAWING SIZE, > THAN 100 PAGES (FEE X PAGES \geq 101 IN 50 PAGE INCREMENTS)

3083 PLANT SPECIFICATION AND DRAWING SIZE, > THAN 100 PAGES (FEE X PAGES \geq 101 IN 50 PAGE INCREMENTS)

3084 REISSUE SPECIFICATION AND DRAWING SIZE, > THAN 100 PAGES (FEE X PAGES \geq 101 IN 50 PAGE INCREMENTS)



THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT & TRADEMARK
DIVISION

Attorney Docket No.: DC0270US.NP

2006 AUG 17 PM 4:10

Inventors: Stanton et al.

US PATENT & TRADEMARK
OFFICE

Serial No.: 10/575,577

Filing Date: Not yet assigned

Examiner: Not yet assigned

Group Art Unit: Not yet assigned

Confirmation Number: Not yet assigned

Title: Modulators of the ABC Transporter
Family and Methods for Their Use

Certificate of Facsimile Transmission

I hereby certify that this document is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.

On August 11, 2006

Kathleen A. Tyrrell, Registration No. 38,350

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

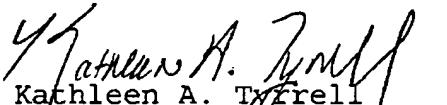
REQUEST FOR REFUND

This application entered the U.S. National Phase in April 12, 2006. The International Preliminary Examination Report was not completed at the time of filing. Therefore, payment for the sum of \$300.00 for the application fee was made. This represented the required filing fee if the claims did not satisfy provisions of PCT Article 33 (1)-(4).

On April 27, 2006, the late International Preliminary Report on Patentability was received. As set forth in the Citations and Explanations of the claims, claims 1-14 meet all criteria. A copy of the International Preliminary Examination Report is enclosed.

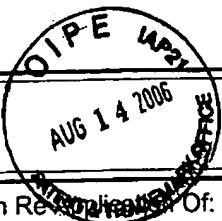
Please credit our deposit account #50-1619 in the amount of \$100.00 which represents the overpayment of the application filing fee. This request is submitted in duplicate.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

Date: August 11, 2006

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053
(856) 810-1515



DepRef

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
DC0270US.NP

In Re Application Of: **Stanton et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/575,577	Not yet assigned	Not yet assigned	26259		

Title: Modulators of the ABC Transporter Family and Methods for Their Use

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Courtesy copy of International Preliminary Report on Patentability

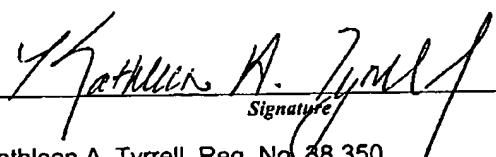
Request for Refund

Return postcard

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. **50-1619** as described below.
 - Charge the amount of _____
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 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Kathleen A. Tyrrell
Signature

Dated: **August 11, 2006**

Kathleen A. Tyrrell, Reg. No. 38,350

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

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Typed or Printed Name of Person Mailing Correspondence

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PATENT COOPERATION TREATY

PCT/US2004/03387

From the INTERNATIONAL BUREAU

To:

LICATA, Jane, Massey
Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 27 April 2006 (27.04.2006)
Applicant's or agent's file reference DC-0270

International application No. PCT/US2004/033874	International filing date (day/month/year) 14 October 2004 (14.10.2004)	Priority date (day/month/year) 15 October 2003 (15.10.2003)
Applicant TRUSTEES OF DARTMOUTH COLLEGE et al		

IMPORTANT NOTICE

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference DC-0270	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/033874	International filing date (day/month/year) 14 October 2004 (14.10.2004)	Priority date (day/month/year) 15 October 2003 (15.10.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TRUSTEES OF DARTMOUTH COLLEGE		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

Date of issuance of this report
18 April 2006 (18.04.2006)

Authorized officer

Ellen Moyse

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 740 14 35

From the
INTERNATIONAL SEARCHING AUTHORITY

PATENT COOPERATION TREATY

To:
JANE MASSEY LICATA
LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON, NJ 08053

PCT

REC'D 27 JUN 2005

WIPO

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference

DC-0270

International application No.

PCT/US04/33874

International filing date (day/month/year)

14 October 2004 (14.10.2004)

Priority date (day/month/year)

15 October 2003 (15.10.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A61K 38/00 and US Cl.: 514/2

Applicant

TRUSTEES OF DARTMOUTH COLLEGE

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

B. Dell Chism

Telephone No. (571) 272-1600

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/33874

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/33874

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-14 YES
Claims NONE NO

Inventive step (IS)

Claims 1-14 YES
Claims NONE NO

Industrial applicability (IA)

Claims 1-14 YES
Claims NONE NO

2. Citations and explanations:

Claims 1-14 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the isolated protein factor of *Pseudomonas aeruginosa* for the claimed methods of modulating plasma membrane expression of ABC transmembrane proteins.

Claims 1-14 meet the criteria set out in PCT Article 33(4), and thus claims 1-14 have industrial applicability because the subject matter claimed can be made or used in industry.

ATTENTION ATTENTION ATTENTION

Method of Refund:

- ACH/EFT**
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- Deposit Account # 50-1619**
- Treasury Check**

Patent/TM/App/Serial # 10/575,577

Program Area PCT/National

Date Processed 8/29/2006

ATTENTION ATTENTION ATTENTION

**RAM Fee History Query**
Revenue Accounting and Management

Name/Number: 10575577

Total Records Found: 4

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/30/2006	00000475	1	<u>2617</u>	\$65.00	02/24/2006	CC
04/20/2006	00000123	1	<u>2631</u>	\$150.00	04/12/2006	CC
04/20/2006	00000124	1	<u>2633</u>	\$100.00	04/12/2006	CC
04/20/2006	00000125	1	<u>2641</u>	\$50.00	04/12/2006	CC

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